

# **FREMONT COUNTY BENEFITS HANDBOOK**

**ADOPTED BY THE FREMONT COUNTY COMMISSIONERS ON February 7, 2017**

**THIS HANDBOOK BELONGS TO:**

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**An employee cannot be discharged because of race, color, religion, creed, sex, national origin, ancestry, age or disability. All employees of Fremont County are at-will employees. Designated sheriff office employees, as defined by W.S. 18-3-611 (2007 Lexis Nexis) are exceptions to employment-at-will.**

**ACKNOWLEDGMENT OF RECEIPT**  
**(Employee's Copy)**

I have received an **updated copy** of the Fremont County Benefits Handbook. I understand I am to become familiar with the contents of the handbook as it outlines my benefits afforded by Fremont County. **These benefits may be changed by the Board of County Commissioners and this handbook supercedes any other benefits policy.** I understand that the contents of this policy handbook do not constitute an expressed or implied contract of employment.

*This handbook is intended as a guide explaining the **benefits** Fremont County Commissioners have approved. Nothing herein contained shall be construed to be a contract between the employer and the employee. Additionally, this handbook is not to be construed by any employee as containing binding terms and conditions of employment. County employees are at-will, and the county retains the absolute right to terminate any employee, at any time, with or without good cause. Fremont County retains the right to change the contents of this handbook as it deems necessary, with or without notice.*

**DESIGNATED SHERIFF OFFICE EMPLOYEES, AS DEFINED BY W.S. 18-3-611 (2007 LEXISNEXIS) ARE EXCEPTIONS TO EMPLOYMENT-AT-WILL.**

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Working For

**The signed, original copy is on file in the Fremont County Government Payroll Office.**

## **DEFINITIONS:**

- I. **IMMEDIATE FAMILY** includes employee's spouse, son or daughter, step children, parent, step parent, and siblings.
- II. **EXTENDED FAMILY** includes grandchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law and guardianship.
- III. **ELECTED OFFICIAL:** Includes all those included in W.S. 18-3-107 and 7-4-101.
- IV. **DEPARTMENT HEADS/SUPERVISORS:**  
Employees hired by an Elected Official who have the responsibility for, and are in charge of, directing and supervising one or more employees.
- V. **FULL-TIME EMPLOYEE:** An employee who works no less than 173 hours per month or 2080 hours per year at minimum wage or more is eligible to receive all benefits established by the County Commissioners.
- VI. **PART-TIME EMPLOYEE:** An employee who works at minimum wage or more on a regular schedule on an annual basis for an average of 86 hours per month or 1,032 hours per year is eligible to receive all benefits established by the County Commissioners.
- VII. **TEMPORARY EMPLOYEE:** An employee hired on a temporary basis for a specific project or term. A temporary employee shall not be entitled to employee benefits, although they may be covered under worker's compensation.
- VIII. **OCCASIONAL EMPLOYEE Non-benefitted:** An employee hired on a continuous basis that works occasional and sporadic hours and days on a scheduled or unscheduled basis and does not qualify for part-time employment. This employee may receive Workers' Compensation, if qualified, and is covered under liability insurance. (may include EMT, Deputy Coroners, or other emergency personnel)
- IX. **VOLUNTEERS:** A person working on call or on duty who does not receive personal monetary compensation will be classified as a volunteer and will be covered by Workers' Compensation and liability insurance.
- X. **COUNTY APPOINTED BOARD:** A board whose members are appointed by the Board of County Commissioners and have authority and oversight of county employees within component units, districts or in their departments.

## **AT WILL STATUS OF EMPLOYEE**

The following benefits have been adopted by Fremont County. Nothing contained in this handbook or in any other materials or information distributed by Fremont County creates a contract of employment between an employee and Fremont County. Employment with Fremont County has no specified term or length. Employment is on an at-will basis. This means that employees are free to terminate their employment at any time for any reason, with or without notice, and Fremont County retains that same right. No statements to the contrary, written or oral, made either before or during an individual's employment can change this. No Elected Official, Department Head, individual supervisor, manager, or officer can make a contrary agreement altering the at-will status of an employee.

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## BENEFITS

**1. A. VACATION POLICIES:** Vacation leave shall be granted to all full-time and part-time employees. Vacation leave is earned and begins to accumulate commencing with the date of hire, on a month to month basis, based on an employee's regularly scheduled work day, based on a five-day work week (i.e., a part-time employee with 0 to 5 years of service shall receive 4 hours of vacation leave per month; a full-time employee with 0 to 5 years of service shall receive 8 hours of vacation leave per month. See full schedule 5B below.) A record of the vacation time must be made and signed by the employee and employer and is subject to approval by the Elected Official, Department Head or County Appointed Board members.

**1. B. VACATION ACCUMLUATION:** For the purpose of definition of service years, the anniversary of each employee's hiring date (based on full-time or part-time) shall be reached before each bench mark of additional vacation benefits can be awarded. **Based on the employee's hours worked, vacation hours will be pro-rated.** Vacation hours accumulate monthly as follows:

Full Time			Part Time	
Yrs Employed	Hrs Earned	Cap	Hrs Earned	Cap
0-5 years	8 hours	240 hours	4 hours	120 hours
6-10 years	10 hours	280 hours	5 hours	150 hours
11 years +	12 hours	320 hours	6 hours	180 hours

**1. C. PAY RATE:** All vacation pay shall be computed at the employee's straight time rate of pay for the classifications to which he/she is assigned at the commencement of his/her vacation. If a legal holiday falls during an employee's regularly scheduled vacation, such holiday shall not be counted as vacation hours. In the event an employee leaves the employ of the County for any reason, he/she shall receive earned vacation pay, not to exceed accumulated vacation cap. In the case of death, any accrued wages due the employee shall be paid to his/her beneficiary.

**1. D. SICK LEAVE ACCUMULATION AND LIMIT:** Sick leave may be accumulated at the rate of eight (8) working hours per month for illness for full time employees and four (4) working hours per month for part-time employees. One hundred sixty (160) sick hours must be maintained by each employee for his/her illness and any hours over that amount may be donated to another employee (based on 5G). Based on the employee's hours worked, sick leave hours will be pro-rated.

**1. E. SICK LEAVE USES:** Sick leave may be used only when an employee is incapacitated by sickness or injury; for medical, dental or optical examination or treatment; for illness of a member of the employee's immediate or extended family. After three (3) days absence, a Department Head or Elected Official may request a physician's verification of sickness.

**1. F. DONATION OF SICK LEAVE:** After employees have exhausted all vacation and sick leave time, they may be eligible to receive donated sick hours up to a total of 240 hours in a calendar year.

Any employee may donate sick leave to another employee, provided:

An Elected Official or Department Head, after determining that the employee has a legitimate reason to be absent, may request donated sick leave from county employees for an employee who has exhausted all of their accrued sick leave, compensatory time and vacation leave. An employee who has accrued a minimum of 160 hours of sick leave may donate a maximum of sixteen (16) hours of sick leave per calendar year to the same recipient who has an immediate and reasonable need for such assistance. Donors shall give their Elected Official or Department Head, which shall approve or disapprove the donation, a written statement specifying the number of hours donated and the name and office or department of the employee to whom the donation is being made. Donations may only be accepted by an employee through the end of each month's pay period.

**1. G. OVERTIME/COMPENSATION TIME/HOLIDAY PAY:**

**a. Overtime/Compensation Time:** Elected Officials are exempt from this section. Exempt employees (as determined by federal regulations) are not required to be paid overtime. All other employees working overtime will either be paid or given compensation time as approved by the Elected Official, Department Head, or Appointed Board.

Employees will earn overtime compensation only with the advance approval of their supervisor who will keep strict records on overtime and submit them to the Personnel Clerk on a monthly basis. Any decisions concerning overtime compensation will be addressed using The Fair Labor Standards Handbook as a guideline. All compensated time accumulated must be used by employees prior to the use of their vacation time.

**b. Holiday Leave/Pay policy:** Every benefitted employee receives Holiday Leave which is included in their salary. Holiday Leave is not considered "hours worked".

If an employee works on a Holiday, they will receive additional Holiday Pay for hours worked at straight time.

**1. H. FUNERAL LEAVE:** In the event of the death of a member of the immediate or extended family, each employee shall be entitled to three (3) days leave with pay for funeral arrangements and attendance.

**1. I. RELEASE TO WORK:** Following an injury, illness, or medical condition and at the discretion of the Elected Official or Department Head, an employee may be required to provide a medical release before returning to work. Light duty work, as prescribed by their physician on a written medical release is acceptable. Light duty is acceptable if there are positions available within the employee's department.

**1. J. WORKER'S COMPENSATION:** All eligible County employees and volunteers are covered under Worker's Compensation. If the employee will be gone from work for an extended period of time, they must discuss being on FMLA concurrently.

All employees must notify their employers immediately if they have been injured on the job even if the employee does not need immediate medical services. **(Note: Department Heads shall contact their liaison and the Elected Officials shall contact the Chairman of the Board of County Commissioners).** An employee who is absent from work because of an occupational disability, which is compensable under the Wyoming Workers' Compensation Act, shall apply for temporary total disability benefits (lost wages) pursuant to the provisions of the Act. The employee shall continue to accumulate sick leave and vacation time during the period he or she is certified eligible for temporary total disability benefits. In addition, at his or her option, the employee may, during the period he or she is certified eligible for temporary total disability benefits:

- A. Retain any accumulated sick leave, vacation hours, or comp time and receive only workers' compensation benefits or
- B. Utilize his or her accumulated sick leave, vacation hours, and comp time in order to receive the difference between his or her regular pay and the amount paid by workers' compensation for temporary total disability benefits.  
  
Provided, however, that in no instance shall the combination of workers' compensation benefits, together with converted sick leave, vacation pay and comp time be greater than the injured worker's net monthly take home pay prior to his or her injury.
- C. In order for the employee to retain the Health Insurance Benefit, he/she must pay the employee's share of the premium, if any, to the Fremont County Government Payroll Clerk no later than the 7<sup>th</sup> day of each month if they are not receiving a county payroll check. Failure to do so will result in the loss of complete Health Insurance coverage.

If, after all county leave is utilized, the employee is not certified as medically fit to return to work, the employee is encouraged to discuss options with his or her supervisor and/or the Fremont County Government Payroll Clerk.

**1. K. FAMILY AND MEDICAL LEAVE ACT:** Employees who have worked for at least one year and for at least 1250 hours over the previous 12 months are entitled to 12 weeks of leave under the Family and Medical Leave Act. The leave may be used for any of the following reasons:

- 1) For the care of the employee's child (birth or placement for adoption or foster care);
- 2) For the care of an employee's spouse, son or daughter, or parent who has a serious health condition; or
- 3) For a serious health condition that makes the employee unable to perform his/her job.

If the need for leave under the Family and Medical Leave Act is foreseeable, the employee must try to schedule treatment so as not to unduly disrupt the operations of the County, and the employee must provide 30 days notice to the Department Head. If the need for leave is unforeseeable, the employee must notify the Department Head as soon as possible. After the employee has been absent for three (3) days, the employer is encouraged to discuss options with the employee, including this act. If the employee is requesting leave under the FMLA for a serious health condition (the employee's or a family member's), the employee must provide the Elected Official or Department Head with a medical certification attesting to the need for the leave.

The medical certification shall include: 1) the date the condition began; 2) its expected duration; 3) diagnosis; and 4) brief statement of treatment. If the employee is taking leave for his/her own medical condition, the certification must also include a statement that the employee is unable to perform the essential functions of his/her job. If the employee is taking leave to care for a seriously ill family member, the medical certification must include a statement that the patient requires assistance and that the employee's presence is necessary for treatment of the family member's serious health condition or will assist with the recovery. A serious health condition is one that requires inpatient care at a hospital, hospice or a residential medical care facility or a condition which requires continuing care by a licensed health care provider.

Intermittent or reduced leave must be approved by the Elected Official or Department Head unless it is a medical necessity, in which case the employee must provide medical certification attesting to 1) the need for a reduced work schedule; 2) the expected duration of the leave; 3) the dates on which leave for periodic treatment is needed; and 4) the expected duration of the treatment.

If the leave is being used for the employee's serious health condition, the County retains the right to hire a physician to examine the employee concerning any certified information provided by the employee's physician.

**Effective 10-20-15:** FMLA leave shall be taken concurrently with all accrued leave. Leave shall be deemed FMLA leave for eligible employees by the employer, pursuant to federal laws and regulations. This determination shall be made by the employer, rather than at the employee's discretion. The FMLA leave shall be calculated using the onset date of the employee's leave, and spanning twelve months from that date.

The County will continue to pay health benefits while the employee is on leave unless refused by the employee. If the employee chooses to continue coverage, he/she must pay his/her share of the premiums if on unpaid leave. Should the employee choose not to return to work, he/she shall be responsible for reimbursing the County for the share of the premiums which the County paid on the employee's behalf. Please refer to the Fremont County employee's health plan document for further details.

An employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits and other employment terms. The highest compensated 10 percent of County employees are excluded from this provision.

If the employee takes leave under the FMLA for his/her own serious health condition, prior to returning to work the employee must provide a written certification from the health care provider attesting to the fact that the employee is able to resume work. If you have any questions concerning the Family and Medical Leave Act, contact the your Elected Official or the Fremont County Government Deputy Clerk.

Forms to be filled out for all FMLA employees are available from the Deputy County Clerk.

**1. L. JURY LEAVE:** Jury leave shall be granted to all full-time/part-time employees. Any employee who is serving as a member of a jury panel, or who is subpoenaed as a witness, will have the following options:

1. If the employee is prevented from performing his/her regular duties, that person shall be granted leave of absence with pay. However, daily jury service or witness fees acquired for work days and received by the employee shall be reimbursed back to the County.
2. If the employee chooses to use paid leave to serve on jury duty or as a witness, they will pay their own expenses and keep the jury service or witness fee.

All requests for time off should go through the Elected Official or Department Head.

**1. M. VOTING LEAVE:** Pursuant to W.S. 22-2-111.

**(A)** Any person entitled to vote at any Primary or General Election or Special Election to fill a vacancy in the office of Representatives in the Congress of the United States is, on the day of such election, entitled to absent himself from any service or employment in which he is then engaged or employed for a period of one (1) hour, other than meal hours, the hour being at the convenience of the employer, between the time of opening and closing of the polls. Such elector shall not, because of so absenting himself, lose any pay, providing he actually casts his legal vote.

**(B)** This section shall not apply to an employee who has three (3) or more consecutive non-working hours during the time the polls are open.

**1. N. MILITARY LEAVE:** Military leave shall be granted to all employees under the guidelines of State Statutes 19-11-101 through 19-11-124. In addition, Fremont County will pay the employee the difference between the salary received from the military service and the salary from Fremont County, provided the military salary is lower. Any group health insurance afforded the employee by the county will be available per W.S. 19-11-109.

**1. O. EMERGENCY SERVICES LEAVE:** See the Emergency Event Response Procedures as adopted by the Board of County Commissioners.

**1. P. LEGAL HOLIDAYS:** The County Commissioners will set on an annual basis.

**1. Q. RETIREMENT BENEFITS:** Membership in the Wyoming Retirement System is a benefit for full time, and part time employees under the guidelines of the State Retirement System outlined in State Statutes 9-3-401 through 9-3-454. Law enforcement personnel will be required to pay the additional amount as required by law. No employee can opt out. Employer and employee contributions will be determined by the County Commissioners. Rehired retirees of the WRS will be handled per the statutory requirements.

**1. R. HEALTH BENEFITS:** Fremont County Commissioners may provide health benefits to part and full time employees. Specific information shall be obtained from the most recent Plan Document. Retirees may be eligible for health insurance benefits (see Plan Document).

**1. S. OTHER VOLUNTARY PAYROLL DEDUCTIONS:** Other types of insurance plans are available through the payroll deduction payment, but there is no participation by the County. The County also has a Section 125 Plan where the employee may pre-tax certain items such as health insurance premium, medical payments and daycare.

**1. T. DEATH BENEFIT:** The beneficiary (ies) of a full time employee is entitled to receive the total sum of \$10,000.00 within 45 days after the death of the employee. Such beneficiary (ies) shall be as designated by the employee specifically for this purpose or as designated in the Wyoming Retirement if not otherwise designated. In the event that there is no designation, the \$10,000.00 shall be distributed to the employee's estate (or to his/her heirs according to intestate or testate succession).

The beneficiary (ies) of a part-time employee is entitled to receive the total sum of \$5,000.00 within 45 days after the death of the employee. Such beneficiary (ies) shall be as designated by the employee specifically for this purpose or as designated in the Wyoming Retirement if not otherwise designated. In the event that there is no designation, the \$5,000.00 shall be distributed to the employee's estate (or to his/her heirs according to intestate or testate succession).

A certified copy of the death certificate for the deceased employee shall be presented by the beneficiary to the Accounts Payable Clerk and a form shall be filled out before payment of the benefit is made to the beneficiary of record.

This section is to be approved annually (July 1) by the Fremont County Commissioners and is to be funded through the health benefit fund.

**1. U. RETURN AFTER SEPARATION OF SERVICE:** When an employee separates from service and then returns to County employment, he/she will not resume the same benefit level upon his/her return, no matter how little time passes in the interim. Returning employees must start at the same benefit rate as any new hire, unless granted an exception by their Elected Official / Board of County Commissioners. This is effective December 2, 2014.

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\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Working For